

### REMARKS

This Application has been carefully reviewed in light of the Office Action mailed July 15, 2004. At the time of the Office Action, Claims 1-21 were pending in this Application. Claims 1-14 and 16-21 were rejected. Claim 15 was objected to as being dependent upon a rejected base claim. Claim 15 has been rewritten in independent form, and is presented as Claim 22. Applicants respectfully request reconsideration and favorable action in this case.

#### Allowable Subject Matter

Applicants appreciate Examiner's consideration and indication that Claim 15 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. In response to the Examiner's objection, the Applicants have rewritten Claim 15 in independent form and presented it as Claim 22. Allowance of new Claim 22 is respectfully requested.

#### Rejections under 35 U.S.C. §102

Claims 1, 2, 6, 7, 16, 18, 19, and 21 were rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,974,564 issued to Joseph Jeddelloh ("Jeddelloh").

#### *Claims 1, 2, 6, and 7*

In rejecting claim 1, the Examiner asserts that Jeddelloh discloses instructing an operating system to discontinue use of a section of computer memory with a memory error (column 2, lines 6-25). The Applicants respectfully submit that Jeddelloh does not disclose *instructing an operating system* to discontinue use of a section of computer memory with a memory error. Rather, the cited portions of Jeddelloh disclose, "*providing the ability to access word bits from non-defective memory* locations when a defective memory block is requested...." Thus, Jeddelloh discloses providing access to non-defective memory when access to defective memory is

requested, but does not teach or suggest instructing an operating system not to use the defective memory.

Inasmuch as Jeddeloh does not disclose instructing an operating system to discontinue use of a section of computer memory with a memory error, as required generally by independent Claim 1, the Applicants submit that Jeddeloh does not teach or suggest each and every element of independent Claim 1. Consequently, a rejection under 35 U.S.C. § 102(b) is not supported. The Applicants, therefore, respectfully request the Examiner to withdraw the rejection of independent Claim 1, and allow Claim 1 to issue.

Inasmuch as claims 2, 6, and 7 depend from an allowable independent Claim 1, Claims 2, 6, and 7 are themselves allowable, and the Applicants respectfully request such allowance.

*Claims 16, 18, 19, and 21*

In rejecting Claim 16, the Examiner asserts that Jeddeloh discloses instructing an operating system to discontinue use of a section of computer memory with a memory error (column 2, lines 6-25). The Applicants respectfully submit that Jeddeloh does not disclose a program product comprising instructions to perform operations including *instructing an operating system* to discontinue use of a section of computer memory with a memory error. Rather, the cited portions of Jeddeloh disclose, “*providing the ability to access word bits from non-defective memory* locations when a defective memory block is requested...” Thus, Jeddeloh discloses providing access to non-defective memory when access to defective memory is requested, but does not teach or suggest instructing an operating system not to use the defective memory.

Inasmuch as Jeddeloh does not disclose a program product comprising instructions to perform operations including, “instructing an operating system ... to discontinue use of the section of memory with the error” as required by independent Claim 16, the Applicants submit that Jeddeloh does not teach or suggest each and every element of independent Claim 16. Consequently, a rejection under 35 U.S.C. § 102(b) is not supported. The Applicants, therefore,

respectfully request the Examiner to withdraw the rejection of independent Claim 16 under 35 U.S.C. § 102(b), and allow Claim 16 to issue.

Inasmuch as Claims 18, 19, and 21 depend from an allowable independent Claim 16, Claims 18, 19, and 21 are themselves allowable, and the Applicants respectfully request such allowance.

**Rejections under 35 U.S.C. §103**

*Claims 3, 4, 8, 9, 10, 11, 13, 14, and 17*

Claims 3, 4, 8, 9, 10, 11, 13, 14, and 17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Jeddelloh in view of U.S. Patent 5,245,615 issued to Albert R. Treu ("Treu").

In rejecting Claim 8, the Examiner asserts that Treu discloses instructing an operating system to discontinue use of a section of computer memory with a memory error in response to detecting the memory error (column 2, lines 3-17 and column 7, lines 38-65). The Applicants respectfully submit that Treu does not disclose *instructing an operating system to discontinue use* of a section of computer memory with a memory error in response to detecting a memory error. Rather, the cited portions of Treu disclose, "*storing information to an error log* in response to detecting a memory error (*see* Treu, column 2, lines 3-17 and column 7, lines 38-65).

Inasmuch as Treu does not disclose instructing an operating system to discontinue use of a section of computer memory in response to detecting a memory error, the Applicants submit that the combination of Jeddelloh and Treu does not teach or suggest all elements of independent Claim 8. Consequently, a rejection under 35 U.S.C. § 103(a) is not supported. The Applicants, therefore, respectfully request the Examiner to withdraw the rejection of independent Claim 8 and allow Claim 8 to issue.

Inasmuch as Claims 3, 4, 9, 10, 11, 13, 14, and 17 depend from respective allowable independent Claims 1, 8, or 16, Claims 3, 4, 9, 10, 11, 13, 14, and 17 are themselves allowable, and the Applicants respectfully request such allowance.

*Claims 5 and 20*

Claims 5 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Jeddeloh in view of Advanced Configuration and Power Interface Specification by Compaq Computer Corporation dated July 27, 2000 ("ACPI Specification"). Inasmuch as claims 5 and 20 depend from respective allowable independent Claims 1 or 16, Claims 5 and 20 are themselves allowable, and the Applicants respectfully request such allowance.

*Claim 12*

Claim 12 was rejected under 35 U.S.C. §103(a) as being unpatentable over Jeddeloh in view of Treu and further in view of ACPI Specification. Inasmuch as Claim 12 depends from allowable independent Claim 8, Claim 12 is itself allowable, and the Applicants respectfully request such allowance.

**CONCLUSION**

Applicants have now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of Claims 1-21, and initial allowance of Claim 22.

The Commissioner is hereby authorized to charge any fees to Deposit Account No. 02-0383 of Baker Botts L.L.P. in order to effectuate this filing.

ATTORNEY DOCKET  
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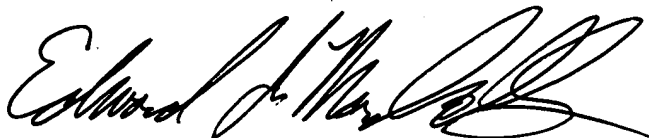
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If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2545.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Edward J. Marshall', with a stylized, flowing script.

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